

**REMARKS**

Claims 33-52 are pending in this patent application. In this Response, no claims have been amended and no new claims have been added. Favorable reconsideration of the application and allowance of all of the pending claims are respectfully requested in view of the following remarks.

In the Office Action, claims 33-41 and 43-48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Pub. No. US 2001/0041496 to Smirnov (*Smirnov*) in view of U.S. Patent No. 5,460,039 to Cutler (*Cutler*). Claim 42 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smirnov* in view of *Cutler* and further in view of U.S. Patent No. 3,721,039 to Cook et al. (*Cook*). Claims 49-52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Smirnov* in view of *Cutler* and further in view of U.S. Patent Appl. Pub. No. US 2003/0162161 to Horchler (*Horchler*).

Regarding *Smirnov*, the Office Action states that “*Smirnov* does not disclose the humidity sensor having the claimed arrangement.” Applicants assert that *Smirnov* fails to teach or suggest other claim limitations in the pending claims as well. Consistent with the Remarks in the most recently filed Response, Applicants continue to disagree with the assertion in the Office Action that *Smirnov* discloses “a reference sensor (paragraph 0077, lines 3-5, providing a corresponding sensor connected to a processor; since the corresponding sensor is connected to a processor [which stores digital values] it is inherently capable of detecting an ambient value); the reference sensor inherently has an electrical characteristic in order to operate in conjunction with the processor.”

Referring to paragraph 0077 of *Smirnov*, the paragraph actually recites: “Furthermore, not only temperature can be used as a characteristic of environment but atmospheric pressure, humidity, illumination, level of acoustic noise, etc. To detect these environment characteristics, it is necessary to install corresponding sensors, connect them to controller 21 and process this data in the program of selecting a message for reproduction.” It is unclear how the Examiner is interpreting that disclosure of *Smirnov* as teaching or suggesting a reference sensor as stated in

the Office Action and as recited in the claims. Applicants request that the Examiner provide a proper basis for the allegation in the Office Action that *Smirnov* discloses a reference sensor.

Regarding *Cutler*, the Office Action states that “*Cutler* teaches a humidity sensor being configured to detect the presence of breath proximate to the first location ... by detecting the value of one of humidity and temperature proximate to the body, and a reference sensor being coupled to the body at a second location ... the reference sensor in the second location being protected from any breath to which the breath sensor at the first location is exposed, the reference sensor being configured to detect the value of one of humidity and temperature proximate to the body.”

Applicants respectfully disagree with the improper interpretation of the teachings of *Cutler* that are alleged in the Office Action. *Cutler* teaches a “system for measuring the flow rate of gas.” *Cutler* teaches a first thermoresistive wire element 18 mounted transversely to the direction of gas flow and a second thermoresistive wire element 20 mounted parallel to the direction of gas flow. *Cutler* states that because “both the sensor element and the reference element are exposed to the same gas flow, in close spatial and temporal proximity, the effects of changes in gas temperature, humidity, and composition are negligible.” (See Col. 2, lines 52-58 – emphasis added) *Cutler* further states that the “difference in power consumed by the sensor element and the reference element in maintaining the two elements at the same temperature is thus a function of the flow rate of the gas. Since both elements are located in close proximity to each other and are exposed to the same gaseous medium, variations in gas temperature, composition of the gas mixture, and humidity will have a negligible effect upon the resultant power differential. The function of the present invention, therefore, is to measure this power differential, and then relate it quantitatively to the flow rate of gas through the sensor head 10.” (See Col. 4, lines 6-31 – emphasis added)

Applicants submit that *Cutler* does not disclose the teachings that are incorrectly alleged in the Office Action as being disclosed by *Cutler* and that *Cutler* fails to remedy the deficiencies of *Smirnov* with respect to the pending claims in this application. For at least the foregoing

reasons, Applicants respectfully submit that *Smirnov* and *Cutler* fail to teach or suggest the features as recited in the pending claims.

*Cook* discloses a toy figure with a mechanism for blowing air, with the mechanism including a bellows. *Horchler* discloses an interactive puzzle with recessed receptacles 40 in which sensors 50 are located. Projections 26 on puzzle pieces 20 enter the recessed receptacles 40 and actuate the sensors 50, thereby causing the generation of an audio response when the piece is properly located. Applicants respectfully submit that *Cook* and *Horchler* fail to remedy the deficiencies of *Smirnov* and *Cutler* with respect to the pending claims, and in particular, with respect to claims 42 and 49-52.

Applicants respectfully submit that each of the pending claims 33-52 is allowable for at least the foregoing reasons. If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned to discuss any unresolved issues and to expedite the disposition of the application.

Applicants hereby petition for any extension of time that may be required to maintain the pendency of this case, and any required fee for such extension is to be charged to Deposit Account No. 05-0460.

Respectfully submitted,

Date: March 3, 2008

/ Thomas W. Lynch /  
Thomas W. Lynch  
Reg. No. 42,820

**EDELL, SHAPIRO & FINNAN, LLC**  
1901 Research Boulevard, Suite 400  
Rockville, Maryland 20850  
(301) 424-3640